

**Supplementary written evidence submitted by Dr Graham Smith (PCO0055)**

Complaints and investigation outcomes against police officers: 2016/17 - 2018/19

	2016/17	2017/18	2018/19
Total no. police officers, England & Wales, as at 31 March <sup>er</sup>	123,142	122,405	123,171
Complaints recorded by local police forces	34,103	31,671	31,097
Allegations recorded by local police forces	63,752	61,238	58,478
Total no. allegations finalised by investigation	26,365	27,011	21,764
Locally by police	25,919	26,302	21,047
Independently by IPCC/IOPC	446	709	717
Special requirement investigations (by police and IPCC/IOPC)	n/a	3,612	2,262
Non-special requirement investigations upheld	n/a	2,997	2,360
Outcomes of special requirement investigations	n/a	n/a	n/a
Outcomes of completed independent investigations	n/a	n/a	n/a
Independent investigations completed (subjects recorded) <sup>&amp;c</sup>	252	412	295
IPCC/IOPC referrals to CPS <sup>&amp;c</sup>	46	72	50
Criminal prosecutions <sup>•</sup>	13	13	11
Discontinued/no evidence offered <sup>•</sup>	1	0	0
Cautions <sup>•</sup>	2	0	0
Acquittals <sup>•</sup>	3	10	5
Convictions <sup>•</sup>	7	3	6
IPCC/IOPC referrals to appropriate authority	n/a	n/a	n/a
Misconduct cases arising from complaints <sup>•</sup>	911	805	492
Misconduct meetings/hearings (including special cases) <sup>•</sup>	266	336	217
Dismissals from service <sup>•</sup>	38	33	33
Metropolitan Police Service settled malfeasance civil claims <sup>o</sup>	175	165	139
Settlement total £,000	3,547	2,282	2,159
Persons stopped & searched not leading to arrest <sup>■</sup>	251,486	231,584	311,749
Breach of PACE Code A allegations recorded	295	277	249
Allegations finalised by investigation	n/a	196	126
Allegations finalised by special requirement investigation	n/a	44	19
Discriminatory behaviour allegations recorded	1,595	1,668	1,580
Allegations finalised by investigation	n/a	1,117	964
Allegations finalised by special requirement investigation	n/a	182	110

Source: except where stated, IPCC/IOPC annual and statistical reports: <https://www.policeconduct.gov.uk/>.<sup>er</sup> HO Police workforce, England & Wales: <https://www.gov.uk/government/statistics/police-workforce-england-and-wales-31-march-2017>.<sup>&c</sup> IOPC response to FOI request (subject refers to an individual under investigation) for the calendar years 2016; 2017; 2018: [https://policeconduct.gov.uk/sites/default/files/Documents/Who-we-are/accountability-performance/foi/August\\_2020\\_Disclosure\\_Log.pdf](https://policeconduct.gov.uk/sites/default/files/Documents/Who-we-are/accountability-performance/foi/August_2020_Disclosure_Log.pdf).<sup>•</sup> HO Police workforce, England and Wales, year ending 31 March 2016 to 2020: misconduct data table: <https://www.gov.uk/government/statistics/police-workforce-open-data-tables>.<sup>o</sup> Civil actions against the MPS from April 2016 to March 2019, FOI request (includes court awards): <https://www.met.police.uk/foi-ai/metropolitan-police/disclosure-2019/september/civil-actions-against-mps-april-2016-march-2019/>.

- HO Police powers and procedures annual statistics: <https://www.gov.uk/government/statistics/police-powers-and-procedures-england-and-wales-year-ending-31-march-2019>.

#### A. Gaps in knowledge and understanding of police wrongdoing and victimisation

1. Police complaints are a fiercely contested area of public policy. One of the reasons for this is that remarkably little evidence is in the public domain on police misconduct, the experiences of victims, outcomes of complaints or the experiences of complainants.
2. With the Crime Survey of England and Wales consistently recording that less than 10% of respondents said they did not complain despite their dissatisfaction with police in the previous five years, we know that the experiences of victims and complainants are not necessarily the same.<sup>1</sup>
3. Whereas understanding of the experiences of victims of crime and repeat victimisation as they navigate the criminal justice system has improved immensely as the result of victimological studies, the same cannot be said of the experiences of victims of police wrongdoing and complainants as they navigate the complaints system.
4. Improving knowledge and understanding of wrongdoing and victimisation will undoubtedly have a positive effect on public confidence in the police complaints system.

#### B. Some things that we know and do not know about police wrongdoing and victimisation<sup>2</sup>

5. Police officers working in Professional Standards Departments (PSDs) have the best knowledge and understanding of police wrongdoing and victimisation. This is as a result of their delegated responsibilities for:
  - annually recording some 30,000 complaints, 60,000 allegations contained therein and unknown numbers of internal conduct matters;
  - investigation of 97.5% of complaint allegations, some 25,000 annually, and all internal conduct matters; and
  - managing disciplinary proceedings against all officers below the rank of chief officer.<sup>3</sup>
6. With an annual budget of some £72.5 million and a staff of a little more than 1000,<sup>4</sup> the IOPC serves as an independent oversight and investigation body. IOPC responsibilities include:
  - annually monitoring some 30,000 recorded complaints and 25,000 local police investigations, with a staff of some 110 caseworkers;<sup>5</sup>
  - annually completing some 620 independent investigations into allegations, with a staff of roughly 600 investigators.<sup>6</sup>
7. In 2013 the Home Secretary announced the transfer of funds from PSDs to the IPCC in the expectation that all serious and sensitive allegations would be independently investigated.<sup>7</sup>

<sup>1</sup> See J. Brown, 2020, HC Library Briefing Police Complaints and Discipline, p. 15: <https://commonslibrary.parliament.uk/research-briefings/sn02056/>.

<sup>2</sup> Interpreting the 2016-2019 statistical table on police complaints and investigation outcomes presented above. Covering the final 21 months of the IPCC and first 15 months of the IOPC the table does not include figures for 2018/18 because the annual statistical report for that year does not present 12 months of data.

<sup>3</sup> This is unlikely to change as a consequence of the options available to PCCs to record complaints and correspond with complainants under the recent reforms.

<sup>4</sup> IOPC Staff Diversity Report, 31 March 2020: <https://policeconduct.gov.uk/sites/default/files/Documents/Who-we-are/accountability-performance/IOPC-Staff-Diversity-Report-2020.pdf>.

<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.*

<sup>7</sup> *Hansard*, Parl Debs, HC 12 February 2013, cols 713-715: <https://hansard.parliament.uk/Commons/2013-02->

Serious and sensitive allegations are not recorded in the annual statistics, but since 2017/18 the IOPC has separately recorded special requirement investigations. These are serious allegations where it appears to the investigator that the subject of the investigation may have committed a criminal offence or behaved in a manner that would justify the bringing of disciplinary proceedings.<sup>8</sup>

8. The importance of special requirement cases rests on the fact that in the event that an allegation is proved there may be serious consequences for the officer that is the subject of the investigation, in the form of a criminal or disciplinary sanction. In this regard the police complaints system operates as an accountability mechanism under which an opportunity exists for the victim of serious police misconduct to hold the officer responsible to account. Special requirement cases are of particular interest to complainants that allege serious misconduct on the part of police officers, and have been prominent in public debate on effectiveness and public confidence in the complaints system.<sup>9</sup>
9. There are significant gaps in knowledge regarding special requirement investigations between 2016/17 and 2018/19.
  - Contrary to the intention of the Home Secretary, it appears that 25% at most of special requirement allegations were independently investigated in 2017/18 and 2018/19.
  - Figures are not available in IOPC statistical reports for the same years on the outcomes of 1,426 completed independent investigations or 5,874 special requirement investigations.
  - It is known from an IOPC FOI disclosure log that between 2016 and 2018 the IPCC/IOPC referred a total of 168 investigation reports to the CPS; and, from HO misconduct tables, between 2016/17 and 2018/19 a total of 37 officers faced proceedings and 16 were convicted.
  - Figures are not available in IPCC/IOPC statistical reports for 2016/17 to 2018/19 on the numbers of referrals to appropriate authorities for decisions on disciplinary proceedings.
  - It is known from HO misconduct tables that the annual number of misconduct cases arising from complaints dropped from 911 in 2016/17 to 492 in 2018/19, and dismissals were between 38 and 33.
10. Successful civil claims for damages against chief officers of police are often presented as an alternative measure of wrongdoing and victimisation to complaints outcomes. In comparison to the total figures of 16 officers convicted of criminal offences and 104 officers dismissed arising from complaints between 2016/17 and 2018/19, there was a total of 479 successful malfeasance (including intentional torts of assault, false imprisonment and malicious prosecution) claims against the Commissioner of Police of the Metropolis.
11. In anticipation of questions from members of the Committee on disproportionality in the exercise of police powers and discrimination, racism is commonly understood to be a key factor in victimisation by police,<sup>10</sup> and HO figures on stop and search and IPCC/IOPC figures on PACE Code of Practice A and discriminatory allegations have been included in the statistical table. Again, the absence of data on outcomes of special requirements

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[12/debates/13021255000004/PoliceIntegrity.](https://www.policeconduct.gov.uk/sites/default/files/Documents/statutoryguidance/2020_statutory_guidance_english.pdf)

<sup>8</sup> The IOPC's 2020 *Statutory Guidance* explains special requirements in terms of special procedures, p. 184: [https://www.policeconduct.gov.uk/sites/default/files/Documents/statutoryguidance/2020\\_statutory\\_guidance\\_english.pdf](https://www.policeconduct.gov.uk/sites/default/files/Documents/statutoryguidance/2020_statutory_guidance_english.pdf).

<sup>9</sup> Continuing debate on the Metropolitan Police Service's Operation Midland criminal investigation, for example: *The Times*, 10 February 2021; *Daily Mail*, 28 February 2021.

<sup>10</sup> See, for example, the recent HMICFRS report, *Disproportionate use of police powers: A spotlight on stop and search and the use of force*: <https://www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/disproportionate-use-of-police-powers-spotlight-on-stop-search-and-use-of-force.pdf>.

investigations creates difficulties understanding the effectiveness of the complaints system as a means of addressing public concerns in this area.

C. Suggestions for improving knowledge and understanding, and tackling police wrongdoing and victimisation

12. It is suggested that serious consideration is given to reorientation of the IOPC in similar fashion to the way that HMIC, now HMICFRS, was reshaped some ten years ago as a public facing rather than police facing body.<sup>11</sup>
13. In order to operate as a public facing body the IOPC must give greater consideration to the interests of members of the public that are victims of police misconduct that do not complain and complainants. It is proposed that a necessary and urgent step would be for the IOPC to expressly recognise the interests of complainants and potential complainants in their operational priorities. One possibility would be to adopt, or adapt, the operational priority of the Metropolitan Police Service to, 'Achieve the best outcomes in pursuit of justice and in the support of victims.'<sup>12</sup>
14. There is some evidence that the IOPC is moving in the direction of serving as a more public facing body, and some of the recent initiatives and proposals put forward and contained in their written evidence to the Committee are to be welcomed.<sup>13</sup>
  - Development of a youth panel; which has also submitted written evidence to the Committee in the name of Leaders Unlocked, and whose proposals also deserve serious consideration.<sup>14</sup>
  - Creation of an independent advocacy service to represent the interests of complainants.
  - Complainant access to legal aid, particularly bereaved relatives of persons that have died following contact with police.
  - Commissioning research that improves knowledge and understanding of the experiences of victims and complainants of the type conducted by Professor Kane and Dr Thompson, University of Nottingham, who also submitted written evidence to the Committee.<sup>15</sup>
15. The recent reforms that have contributed to the development of a police conduct and complaints regulatory framework, with law serving as last resort, are also to be welcomed. Reform in this core area of public policy is cyclical and responsibilities held by police have been incrementally transferred, firstly, in the late 20<sup>th</sup> century to external oversight bodies and, then, since the turn of the millennium to independent oversight and investigation bodies. It is proposed that serious consideration is now given to taking another step forward in the direction of creating an independent police regulation authority.

March 2021

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<sup>11</sup> HM Chief Inspector of Constabulary, Sir Denis O'Connor, *Her Majesty's Inspectorate of Constabulary in 2009/10: A report on the work of HMIC in the year from 01 April 2009 to 31 March 2010*, 2010, p.3: <https://www.justiceinspectorates.gov.uk/hmicfrs/media/annual-report-2009-10.pdf>.

<sup>12</sup> MPS 2018-25 Strategy: p.24. Available at: <https://www.met.police.uk/SysSiteAssets/media/downloads/force-content/met/about-us/the-mets-direction--our-strategy-2018---2025.pdf>.

<sup>13</sup> <https://committees.parliament.uk/writtenevidence/11890/pdf/>.

<sup>14</sup> <https://committees.parliament.uk/writtenevidence/11865/pdf/>.

<sup>15</sup> <https://committees.parliament.uk/writtenevidence/11002/pdf/>.